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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,563	03/22/2001	Leo Parker	2378/104	4515

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BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,563

Applicant(s)

PARKER ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1-30 have been examined.

Response to Arguments

2. Applicant is of the opinion that the prior art of Conmy et al., Schuster et al. and Rubert et al. does not obviate Applicant's claimed method. Specifically, Applicant asserts that the prior art does not teach compact availability data that includes "concise generic indicators to indicate at least one of free space in an attendees schedule and busy space in an attendee's schedule". The Examiner respectfully disagrees as Conmy et al. clearly teach displaying to a user at least one of free space in an attendees schedule and busy space in an attendee's schedule (figures 5-9; column 5, lines 18-31; column 8, lines 3-25).

The Examiner maintains the rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conmy et al., U.S. Patent No. 6,101,480 in view of Schuster et al., U.S. Patent No. 6,577,622, and Rubert et al., U.S. Patent No. 6,366,915.

As per claims 1-30, Conmy et al. disclose a scheduling system comprising:

- communicating an availability request over a network (e.g. internet) from a user to a server (figure 1; column 3, lines 20-38)
- receiving data from the server regarding an indication of an attendees (as a group) schedule (e.g. free and busy time) and displaying it to a user (figures 5-9; column 3, lines 27-37; column 5, lines 36-40; column/line 7/26-8/25; column 8, lines 45-48)
- wherein the request includes an attendee identifier and a time period (column 5, lines 35-51)
- storing an attendee's calendar in a server database (figure 1, item 210) and scheduling an event based on the calendar (figure 4)
- updating the availability data with the scheduled event (i.e. subsequent attempts to schedule the attendee at the time of the event will result in a conflict) (column/line 4/56-5/3; column 5, lines 51-63; column 6, lines 60-65; column 7, lines 32-39)

Regarding permission to view an attendee's data, it is inherent to the teachings of Conmy et al. that by creating a profile and storing it on a server (figure 1, item 202; column 1, lines 33-43; column 2, lines 3-18; column 3, lines 55-63) a potential attendee is giving permission to have their profiles accessed by event coordinators for the explicit purpose of scheduling an event (column 3, lines 27-37). In other words, if a user doesn't provide a profile, the user cannot be scheduled. Conmy et al. do not explicitly recite wireless internet access. Schuster et al. disclose a computer that wirelessly accesses the internet (figure 1; column 5, lines 22-41; column 6, lines 20-51). The motivation to combine the teachings of Conmy et al. and Schuster et al. is found in *In re Lindberg* (*In re Lindberg*, 93 USPQ 23 (CCPA 1952)), where it has been held that an obvious modification of the computer system of Conmy et al. ('480, figure 1) is to make it portable.

Regarding an identifier as an email address, Conmy et al. direct their invention to a group scheduling system such as the Lotus family of products (column 1, lines 32-44; column 2, lines 3-10). The Conmy et al. system allows a coordinator to select users for arranging an event wherein users are stored in a database by name and email address (column 3, lines 38-43). More specifically, Conmy et al. teach selecting a user according to a profile stored in said user's electronic mail file (column 5, lines 45-51). Hence, it would have been obvious to one of ordinary skill to select a user identify by an email address as it identifies a user's mail file (note: two people can have the same name).

Regarding an attendee accessing the availability of the user, persons exchanging emails in order to determine each other's availability are old and well known. Hence, while attempting to determine an optimal time, it would have been obvious for the user and an important attendee, such as a keynote speaker, to exchange emails regarding each other's availability (column 6, lines 29-45).

Conmy et al. do not place restrictions on the type of device for interfacing with their system other than it can access a remote server over a computer network (column 4, lines 15-29). Schuster et al. teach wireless accessing the internet (column 6, lines 31-51). Neither Conmy et al., nor Schuster et al. explicitly recite requesting permission to view attendee data. Rubert et al. verifying the identity of a user prior to allowing a user to access a database (abstract; column 4, lines 8-39; column 8, lines 26-39; column/line 12/62-13/13). Regarding a time frame for viewing an attendee's availability data, Applicant's claims are silent the attendee *establishing* viewing times, such as through a GUI. The Examiner regards it as inherent to the teachings of Conmy et al. that by creating a profile and storing on a server (figure 1, item 202; column 1, lines 33-43; column 2, lines 3-18; column 3, lines 55-63) a potential attendee is giving permission to have their profiles accessed by event coordinators for the explicit purpose of scheduling an event (column 3, lines 27-37). Rubert et al. teach passwords and other security methods for limiting access to corporate databases (column/line 12/62-13/13), and it is well known to those of ordinary skill in

corporate security to have passwords with limited validity periods, therefore, an attendee as access to the databases of Rubert et al. only as long (i.e. specific period of time) as the password is valid (e.g. while the person is in a company's employ). It is also well known to receive a username and password via email [claim 13]. Hence, it would have been obvious to one of ordinary skill to combine the teachings of Conmy et al., Schuster et al. and Rubert et al. in order to prevent malicious users from accessing user profile data ('915, column/line1/23-2/6).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Washington, D.C. 20231

or faxed to:

(571) 273-8300 (for formal communications intended for entry and after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

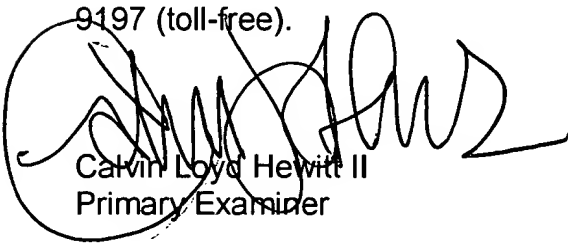
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov/>. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

A handwritten signature in black ink, appearing to read "Calvin Hewitt II", is written over a circular stamp. The signature is fluid and cursive.

Calvin Lloyd Hewitt II
Primary Examiner

June 8, 2006